

**South Carolina Board of Cosmetology  
Board Meeting  
9:00 a.m., July 9, 2018  
Synergy Business Park  
Kingstree Building  
110 Centerview Drive, Conference Room 108  
Columbia, South Carolina 29210**

**1. Meeting Called to Order**

- a. Public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.
- b. Rules of the Meeting
- c. Pledge of Allegiance

**2. Introduction of Board Members and All Other Persons Attending**

Vice Chairperson Laquita Clark-Horton called the meeting of the S.C. Board of Cosmetology to order. Other Board members participating in the meeting included:

- ❖ Eddie Jones
- ❖ Patricia Walters
- ❖ Stephanie Nye
- ❖ Marcia Delaney (arrived at 12:00 p.m.)

Staff members present included: Georgia Lewis, Advice Counsel; Shalon Genwright, Staff; Theresa Brown, Administrator; Eric Thompson, Office of Inspections; Jennifer Stillwell, Office of Investigations and Enforcement (OIE); Kyle Tennis, Office of Disciplinary Counsel; Sharon Wolfe, Office of Investigations and Enforcement (OIE)

**All Other Persons Attending:**

Tina Behles, Court Reporter; Terry Frick; Michelle Hampton-Furtick; Jayson Powers; Amanda Brown; Loleta Wilkerson; Diane Camp; Judy Razor; Jason Snyder; Garrett Shuler; Bernie Adkins; Sherkeria Elkins; Joni Coleman; Crystal McGee; Betty Daniels Peterson; Sarin Hat; Bunhap Hat; Brenda Dytman; Trinessa Dubas; Erica Horton; Frances Archer; Jessica Veerapen; Catherine Kelley; Andrea Snow; Chesley Phillips; Wanda Gantt; Kenisha Thompson

**3. Approval of Excused Absences**

Mr. Eddie Jones made a motion to excuse the absence of Chairperson Melanie Thompson. The motion was seconded by Ms. Stephanie Nye and the motion carried.

Another motion was made by Mr. Jones to excuse the absence of Ms. Marcia Delaney and it was also seconded by Ms. Nye. The motion carried. Ms. Delaney was due to arrive later to the meeting.

**4. Approval of Agenda**

Ms. Nye made a motion to approve the meeting's agenda with any deviations deemed necessary. The motion was seconded by Ms. Patricia Walters and it carried.

**5. Approval of Meeting Minutes**

May 14, 2018

A motion was made by Mr. Jones to approve the meeting minutes from the May 14, 2018, meeting. The motion was seconded by Ms. Nye and it carried.

**6. Chair Remarks – Melanie Thompson – N/A**

**7. Administrator's Remarks – Theresa Brown**

- a. **Budget/Drawdowns** – For Information – The budget was for information purposes only.

- b. OIE Report** – For Information - Sharon Wolfe - This report is for cases received between January 1, 2018, and June 26, 2018. There have been 179 incoming complaints. There are currently 20 active cases and 186 cases have been closed thus far.
- c. IRC Report** – For Approval - Sharon Wolfe – There were three inquiries made on cases:
1. 2017-243: There was no violation found when the inspector got there; there was no practicing.
  2. 2016-108: The salon was closed and no longer in business.
  3. 2017-162: The salon was closed and no longer in business.
- In another complaint (case 2017-309), it was stated that an esthetician was doing hair, but it could not be proven. The individual was selling hair accessories. Ms. Nye made a motion to approve the IRC report and it was seconded by Ms. Walters. The motion carried.
- d. ODC Report** – For Information - Kyle Tennis – The ODC report is for informational purposes only. There are currently 58 open cases.
- 17 (pending attorney review)
  - 5 (pending CA/MOA drafting)
  - 5 (pending respondent’s agreement)
  - 5 (pending drafting of the Formal Complaint)
  - 5 (pending panel hearings)
  - 2 (pending Board action)
  - 5 (pending Final Order hearings)
  - 3 (pending scheduling)
  - 4 (pending citation hearings)
  - 2 (pending action from other boards)
  - 10 (closed cases from 3/5/18 to 5/2/18)
  - 5 (pending drafting of cease and desist)
- e. Inspection Report/Citation Report – For Approval** – Eric Thompson - In May, there were 518 salon inspections and 5 school inspections. In June, there were 737 salon inspections and 12 school inspections. There have been 6,777 salon inspections and 121 school inspections so far for the fiscal year. As of July 3, 2018, there are a total number of 6,448 active salons. There were 15 citations written for the month of May and 17 written for the month of June. These citations dealt with unlicensed practice and sanitation issues. Ms. Laquita Clark-Horton, Vice Chairperson, stated that the numbers scare her and is a disgrace to the industry. Mr. Eric Thompson, Chief Inspector, stated that the inspections department are doing what they can. An inspector put together a great presentation on what to look for. Ms. Nye made a motion to approve the inspection and citation reports. The motion was seconded by Mr. Jones and it carried.

## 8. Old Business

## 9. New Business

### a. Consideration of New School/School Changes

#### i. Lexington Two Innovation Center

Mr. Bernie Atkins, Ms. Joanie Coleman, and Ms. Shakeria Elkins represented the Lexington Two Innovation Center. The school is requesting approval of a location change and hopes to be open by October. This agenda item was deferred until the September board meeting.

Ms. Nye made a motion in reference to Lexington Two Innovation Center to approve the preliminary inspection, pending a final inspection by a board member and final approval at the September board meeting. The motion was seconded by Mr. Jones and it carried.

#### ii. Miller-Motte Technical College

Ms. Loleta Wilkerson and Ms. Andrea Snow represented Miller-Motte Technical College. They requested approval to update the student handbook agreements. Five changes were given that aligned with their new accrediting agency.

1. The payment agreement had an update on how students make payments to the school that aligned with their creditor.
2. The timing of the registration fee has been updated.
3. The catalog was updated, so that students could acknowledge that they read the catalog.
4. The cancellation refund policy was updated.
5. The references to California and Texas students were removed.

A motion was made by Ms. Walters to approve the changes for Miller-Motte Technical College and it was seconded by Ms. Nye. The motion carried.

**iii. Academy for Technology & Academics**

Mr. Jayson Powers and Ms. Amanda Brown represented the Academy for Technology & Academics and were seeking approval to offer an esthetics program. The intent is to discontinue the nail technology program as the student numbers have decreased over the last few years. There has been a lack of student interest. Based on student surveys, there was an interest in an esthetics program, whereas they may possibly have fourteen students enrolled. The proposed opening date will be the first day of school, August 22<sup>nd</sup>. Ms. Jennifer Stillwell, Inspector, confirmed that the sizing of the classrooms work.

Ms. Nye made a motion in reference to the Academy for Technology & Academics to approve the preliminary inspection, pending a final inspection by a board member. The motion was seconded by Mr. Jones and it carried.

**iv. Kenneth Shuler's School of Cosmetology, Inc.**

Mr. Garrett Shuler represented all locations for Kenneth Shuler Schools of Cosmetology. Approval for the update of student handbooks/catalogs and contracts was needed. Laboratory fees were updated and they are adding language on student terminations for their cosmetology program. For their esthetics program, they are increasing the tuition and book charges. They will also be adding language on the student termination policy as well.

A motion was made by Ms. Nye to approve the school changes for the Kenneth Shuler School of Cosmetology (all locations) and it was seconded by Ms. Walters. The motion carried.

**b. Consideration of Continuing Education Exemption**

**i. Brenda Dytman (RC. 59551)**

Ms. Brenda Dytman came before the board requesting exemption from taking continuing education courses. She has been licensed in South Carolina since 2005. Her verification of licensure from the state of New York states that she has been licensed from at least 1998 and they have no other documentation to provide. Ms. Dytman stated that she has been licensed since 1985 and provided tax documentation and letters from former clients. She is also an educator for a global corporation. Ms. Nye inquired about why she wanted to be exempt since she spoke so highly of education. Ms. Dytman stated that the company that she works for requires training five times a year. Ms. Walters encouraged her that she needed to stay abreast of sanitation regulations. This issue was a good time to point out record keeping.

Mr. Jones made a motion to go into an executive session to garner legal advice on the subject of Ms. Dytman's exemption and it was seconded by Ms. Nye. The motion carried.

A motion was made by Mr. Jones to come out of the executive session and it was seconded by Ms. Nye. There were no motions made or votes taken during the executive session.

Mr. Jones made a motion, based on Ms. Brenda Dytman's documentation and presentation, to allow her to be exempt from taking continuing education courses. The motion was seconded by Ms. Nye. The motion carried.

**c. Consideration to become a Methods of Teaching Instructor**

**i. Crystal McGee**

Ms. McGee came before the board seeking approval to become a Methods of Teaching instructor. Ms. McGee has been an instructor for ten years and has worked for a school district for over eight years. She works with a school staff on how to teach others. This may be a second service to her students that entered the cosmetology program at the school. There have been students that have taken the Methods of Teaching course that she has still had to help prepare for the board examinations. She has had experience on laying out lesson plans.

Ms. Nye made a motion to go into an executive session to garner legal advice on the consideration and it was seconded by Mr. Jones. It was requested by Ms. Georgia Lewis, Advice Counsel, that the Board Administrator, Ms. Theresa Brown, stay during the executive session.

A motion was made by Mr. Jones to come out of the executive session and it was seconded by Ms. Nye. The motion carried. There were no motions made or votes taken during the executive session.

Ms. Nye made a motion to deny Ms. Crystal McGee's request of becoming a Methods of Teaching instructor. This was based on the requirements not being met as seen in the Code of Regulations, which state that the applicant must have a Master's degree in education or expertise in teaching others how to teach. The motion was seconded by Mr. Jones and it carried.

**ii. Sandra Bodnar**

Ms. Bodnar was not present for the meeting, so no consideration was given.

**d. Application Hearings**

**i. Lamekia Hinton**

Ms. Hinton was not present for the meeting, so this agenda item was tabled until the next meeting that she is able to attend.

**e. Consideration of Out of State Instructor for Continuing Education**

**i. Touch of Joy**

There was no representative from Touch of Joy, so no consideration was given.

**f. Consideration of CE Approval for Trade Show**

**i. Hickory Mart Shows Inc.**

Ms. Judy Razor and Ms. Diane Camp represented Hickory Mart Trade Shows, Inc. Hickory Mart wanted to be considered for CE approval for their trade show in November. The trade show will be for registered cosmetologists and estheticians. Ms. Walters inquired about the wide range of the esthetics industry and how they planned on handling the different legalities for South Carolina as it ranges from a salon to a medical environment. No certifications will be received for taking the trade show course. There will be an introduction to microdermabrasion.

Mr. Jones made a motion to approve Hickory Mart Shows, Inc. This is in reference to their trade show being held November 10-11, 2018. The motion was seconded by Ms. Nye and it carried.

**g. Request to Obtain Continuing Education Online**

**i. Chelsea George-Watkins**

Ms. George-Watkins would like to take her second continuing education course online for the 2019 renewal. She has already taken six hours online.

A motion was made by Mr. Jones to approve Ms. Chelsea George-Watkins to take all of her continuing education courses online being that she is a military spouse. Ms. Walters seconded the motion and it carried.

**h. Information Request**

**i. Trinessa Dubas**

Ms. Dubas was present at the meeting, but withdrew her request to be on the agenda.

**i. Appointment of Board Committee to Amend Regulations to Conform with Board Recommendations in 2017 Regulatory Review Report**

In 2017, the board reviewed its Code of Regulations. The agency director has asked all boards to review and revamp their regulations. Names were needed to form a committee. The committee meetings will be open to the public. A registered cosmetologist, esthetician, nail technician, and school owner should be represented on the committee. The sooner that they are able to meet, the better. According to the Advice Counsel, a committee of five people would be best. The persons recommended are seen below:

1. Steven Dawson
2. Patricia Walters
3. Stephanie Nye
4. Melanie Thompson

A motion was made by Ms. Nye to accept the committee as outlined. The motion was seconded by Mr. Jones and it carried.

A motion was then made by Mr. Jones to go into an executive session. This executive session was to garner legal advice on continuing education and protecting the public. The motion was seconded by Ms. Nye and Ms. Walters and it carried.

Ms. Marcia Delaney joined the meeting during this executive session.

Mr. Jones made a motion to come out of the executive session and it was seconded by Ms. Walters and Ms. Delaney. The motion carried. There were no motions made or votes taken during the executive session.

**10. Final Order Hearings – Kyle Tennis**

**i. 2017-59**

This case was in the matter of Hoi Tran who was not present at the meeting, but properly notified. Ms. Tran was presented with a memorandum of agreement as she allowed unlicensed practice. She made it known that she understood and has made the proper steps to rectify the situation. The Hearing Officer's recommendations included a \$500 fine, public reprimand, and notice to attend a mandatory two hours disciplinary/sanitation course.

Ms. Delaney made a motion to accept the Hearing Officer's recommendations with the changes noted (changing the two hours disciplinary/sanitation course to three hours). The motion was seconded by Ms. Walters and it carried.

**ii. 2016-220 and 2016-257**

This case was in the matter of Hieu Nguyen who was not present for the hearing, but properly notified. A complaint was filed with the board that metal rasps were being used, there were no sharps containers being used, lapsed licenses, and the salon was dirty.

A memorandum of agreement was accepted and a fine of \$2,650 was given, along with a public reprimand.

Mr. Jones made a motion to accept the Hearing Officer's recommendations and it was seconded by Ms. Walters and Ms. Delaney. The motion carried.

**iii. 2017-246**

This case was in the matter of Betty's Career College of Cosmetology. The school was represented by Ms. Betty Daniels-Peterson. Her husband served as a witness. The school had no time clock and there was only one student enrolled in the school. A warning was given during that inspection and Ms. Peterson was told that a follow-up inspection would be conducted. The same issues were found during the follow-up inspection as well.

The Hearing Officer's recommendations included a \$700 fine, public reprimand, and notice to attend a mandatory disciplinary law class. A rebuttal to the Hearing Officer's recommendations was given by Ms. Peterson. She stated that at the initial hearing, the inspection report was not presented. She was given no citations and the issues were only discussed. She also stated that the inspection report was misleading as the school passed the inspection and she has always upheld the board's regulations. The rebuttal was an extended discussion.

Ms. Nye made a motion to go into an executive session to garner legal advice on the hearing and it was seconded by Ms. Walters, Ms. Delaney, and Mr. Jones. The motion carried.

A motion was made by Ms. Nye to come out of the executive session and it was seconded by Mr. Jones and Ms. Walters. The motion carried. There were no motions made or votes taken during the executive session.

Ms. Delaney made a motion that the state stands by the Hearing Officer's recommendations and accepts the recommendations with the exception of the disciplinary law course. The motion was seconded by Mr. Jones and Ms. Walters and it carried.

**iv. 2017-255**

This case was in the matter of Mai Thai who was not present at the hearing, but was properly notified. She has had two prior citations. This case included violations for sanitation.

The Hearing Officer's recommendations included a collective fine of \$1,350, public reprimand, and notice to take a mandatory disciplinary law course.

A motion was made by Ms. Nye to approve the Hearing Officer's recommendations with the changes noted (changing the two hours disciplinary/sanitation course to three hours) and it was seconded by Mr. Jones. The motion carried.

**11. Approval of Board Meeting Dates for 2019**

- JANUARY 14, 2019
- JANUARY 15, 2019
- MARCH 11, 2019
- MARCH 12, 2019
- MAY 13, 2019
- MAY 14, 2019
- JULY 8, 2019
- JULY 9, 2019
- SEPTEMBER 9, 2019
- SEPTEMBER 10, 2019
- OCTOBER 21, 2019
- OCTOBER 22, 2019
- NOVEMBER 18, 2019
- NOVEMBER 19, 2019

Ms. Delaney made the motion to accept the dates listed and it was seconded by Ms. Walters. The motion carried.

**12. Board Member Reports**

Ms. Nye monitored the practical exam on May 21<sup>st</sup> and 22<sup>nd</sup>. She mentioned friends and family having to wait outside as space is limited in the waiting area of the venue. Ms. Nye also attended the PCS overview training, in which it was good preparation for exam takers. Deregulations were also discussed. She stated that sending a representative would have been very valuable to schools/instructors. The importance of sanitation was also discussed.

Ms. Clark-Horton attended a continuing education course with Educate, Inspire, and Motivate Cosmetology Association. People registered with the course, but did not show up as they waited for an hour. She also attended the PCS overview training.

Ms. Walters attended the PCS overview training and was disappointed that there were so few schools being represented. Great tips and changes were given. She stated that if the instructors are not educated, then the students cannot be educated.

### **13. Discussion**

There was no discussion.

### **14. Public Comments**

There were no public comments.

### **15. Adjournment**

Ms. Delaney made a motion to adjourn the meeting and it was seconded by Mr. Jones, Ms. Nye, and Ms. Walters.

The meeting adjourned at 1:01 p.m.

**The next meeting of the S.C. Board of Cosmetology is scheduled for September 10-11, 2018.**